IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL CONTEMPT PETITION NO.22 OF 2004.

Hanmantrao Tatyasaheb Deshmukh ..Petitioner
V/s
1. Shri Pandurang Maruti Lande

2. Sambhaji Maruti Patil, Advocate

3. Shri Santosh Kashinath Khilari,

4. Shri Eknath V. Waghole, Advocate

5. State of Maharashtra ..Respondents.

Shri I.M. Khairdi for the petitioner

Shri R.D. Suryawanshi for respondent Nos. 1 to 3.

Ms. Rajashri Sawant with Shri Rahul S. Kate for respondent No.4.

Mrs. P.H.Kantharia, APP for State.

CORAM : B.H. MARLAPALLE &
J.H. BHATIA, JJ.

RESERVED ON 21ST NOVEMBER, 2006.
PRONOUNCED ON 27TH NOVEMBER, 2006.

ORDER (PER J.H.BHATIA, J.)

. This contempt proceeding is initiated on an application filed by the petitioner, who is the original complainant. He had filed three criminal cases against

the respondents, wherein process was issued by the Judicial Magistrate, F.C., Ulhasnagar. The request made by the respondents to recall the order about the issuance of process was turned down. Therefore, the respondent Nos. 1 to 3 filed Criminal Revision Application No. 61/2002 on 28/6/2002. According to the petitioner, in the said revision petition respondents Nos. 1 to 4 had made serious allegations against the Presiding Officer of the Court of J.M.F.C., Ulhasnagar and thereby they have committed criminal contempt of Court.

2. In response to the notice, respondent No.4 made a statement that he had not signed the revision petition and therefore, he has not made any allegations against the Presiding Officer. There is substance in his contentions as revision petition was filed by respondent Nos. 1 to 3 only. Respondent Nos. 1 and 3 stated that they did not understand the contents of the revision petition, which was drafted by respondent No.2, who is the practicing advocate. They also tendered unconditional apology. Respondent No.2, in his reply also tendered unconditional apology in respect of the averments/allegations made in the criminal revision

application and he also stated that he is unconditionally withdrawing all such allegations and averments made in the original petition. He expressed regret for the same.

3. It appears that the alleged criminal contempt was committed on 28/6/2002, when the revision application was filed, while contempt petition was filed on 29/10/2004 i.e. beyond the period of limitation of one year. We are of opinion that apology offered by respondent Nos. 1 to 3 is sincere. Hence we accept the unconditional apology tendered by respondent Nos.1 to 3.

4. In the result, contempt notice stands discharged.

(J.H. BHATIA, J.) **(B.H. MARLAPALLE, J.)**